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# Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict

## Introduction

1. The present report, the third report on the protection of civilians in armed conflict, is submitted in accordance with the request of the President of the Council, contained in his letter dated 21 June 2001 (S/2001/614).

2. The first report, dated 8 September 1999 (S/1999/957), presented the facts about the reality confronted by millions of civilians around the world in situations of armed conflict and recommended that the Security Council act to encourage parties to a conflict to better protect civilian populations. The second report, dated 30 March 2001 (S/2001/331), focused on some additional steps Member States could take to strengthen their own capacity to protect civilians in armed conflict.

3. In the 18 months since those reports were tabled, the Office for the Coordination of Humanitarian Affairs of the Secretariat has worked to ensure a more consistent and systematic presentation of these issues to the various organs of the United Nations, particularly the Security Council and the Economic and Social Council. Much interest has been demonstrated through the increased number of briefings to the Security Council during the past 18 months, highlighting issues of humanitarian concern in matters of peace and security, including the protection of civilians. The one-day workshop on the Mano River region convened by the Council on 18 July 2002, at which the Department of Political Affairs, the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs made presentations, provided a practical stocktaking of the effectiveness and adequacy of the mandate of the United Nations Mission in Sierra Leone (UNAMSIL). It also ensured a comprehensive review of the protection needs of civilians alongside peace-building and political objectives. It would be useful to conduct further regular reviews of Security Council mandates from the point of view of the impact on civilians and in the context of a joint political, security and humanitarian analysis.

4. Much work has also been done to strengthen and enhance the policy agenda outlined in the first two reports. At the request of the Security Council, the Office for the Coordination of Humanitarian Affairs developed an aide-memoire, which was adopted by the Council in the statement by its President of 15 March 2002 (S/PRST/2002/6). The aide-memoire is a practical tool that provides a basis for improved analysis and diagnosis of key civilian protection issues that arise out of

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conflict. It was based on the deliberations of a series of round tables held with Member States, the United Nations system, the International Committee of the Red Cross (ICRC), non-governmental organizations and academic experts, with all contributing to its formulation. Since its adoption, the aide-memoire has served as a common framework and a point of reference for supporting the protection of civilians.

5. Closer cooperation and coordination between the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs has facilitated much of the work that has been conducted since the previous report. Collaboration between these two departments of the Secretariat was particularly useful for the design and launch of the aide-memoire. Discussions are presently under way to deepen the cooperation between the Department and the Office and to facilitate joint planning through the implementation of standard operating procedures. Like the aide-memoire, these standard operating procedures will aim to mainstream issues pertaining to the protection of civilians into work dealing with the establishment, closure and change of peacekeeping missions and mandates.

6. The round tables also contributed to the design of a "roadmap", requested by the Security Council in resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000. A provisional version of the roadmap is set out in the annex to the present report for consideration by members of the Security Council. This version has reorganized the recommendations along action-oriented themes identified in the round tables and echoed in the aide-memoire. In early 2003, the Office for the Coordination of Humanitarian Affairs will work with other parts of the Secretariat and the United Nations system to develop further the roadmap concept by outlining specific activities to support implementation by States, and by organizing these activities into a coherent plan of action, with time frames for completion and identification of institutional responsibilities.

7. The primary focus now will be towards implementation, as called for by the Security Council and the Economic and Social Council. In its resolution 2002/32 of 26 July 2002, the Council specifically invites Member States to participate actively in workshops on the protection of civilians in order to share knowledge and experience and to improve practice. The Office for the Coordination of Humanitarian Affairs is coordinating a series of six regional workshops that bring together relevant representatives from the United Nations, non-governmental organizations, and academic institutions with leaders from key government ministries, in particular the ministries of foreign affairs, defence and internal affairs. The workshops introduce and outline fundamental concepts concerning the protection of civilians, provide participants with experience in using diagnostic tools such as the aide-memoire and provide a regional perspective on the threats to the security and protection of civilians.

8. With the assistance of the Government of South Africa, the first of these workshops was recently held at Pretoria, with strong participation from eight countries in the southern African region. Their observations and conclusions about the protection of civilians reflected the experience of a region in which countries had either undergone and emerged from conflict or had been affected by regional conflicts and their consequences, such as sizeable refugee flows.

9. The southern Africa workshop highlighted the importance of regional actions and of the need to engage regional institutions in the protection of civilians. The

establishment of the African Union (AU) and the New Partnership for Africa's Development provide an important new platform for securing greater commitment to an improved framework for the protection of civilians. The Government of South Africa proposes to introduce this issue within AU. The workshop also emphasized that effective control of small arms and demining programmes requires common regional policies and regional enforcement structures for control and destruction. This region's experience with integration of combatants into the armed forces serves to underline the importance of establishing codes of conduct defining the relationship between individual members of military forces and the civilian populations and the need to reinforce such codes through proper systems of accountability. The separation of armed elements from refugee populations is one of the highest priorities for the region. Participants noted an increasing trend in the militarization of the refugee and the local host populations where refugee camps were located in border areas and in close proximity to areas of conflict. There has been large-scale involvement of armed non-State actors in conflicts in the region, and the workshop underscored the importance of engaging them in conflict negotiations and in securing acknowledgement of their own responsibility and obligations for the protection of civilians.

10. The second workshop, held in Japan, involved officials and civil society representatives from 11 countries of East Asia and the Pacific. It noted that the region does not have strongly developed regional structures, and that the context of conflict differs from other regions and is usually communal or ethnic in nature. Regional concerns, therefore, focus on the potential problems caused by the spill-over of refugees and the absence of regional capacity to respond. The region is also characterized by a strong interest and support for peacekeeping, although there is little sharing of experience in this area. The workshop demonstrated the need to promote the protection of civilians as a key element in conflict prevention. This extends to training in peacekeeping because peacekeepers may not be fully aware of the challenges and responsibilities involved in the protection of civilians and a common approach is required. The recent bomb attacks in Bali, Indonesia, underscored the concerns of all countries in the region about terrorism and its relationship to the protection of civilians. Countries in the region are involved in drafting new legislation to address this challenge to security. This is also an area where Governments may welcome guidance and support to ensure that new measures provide a focus for the protection of civilian victims of terrorism and remain compatible with overall responsibilities for the protection of civilians. The regional workshops have initiated the important process of developing understanding and support for a culture of protection called for in the first report and have provided an opportunity for engaging regional entities in this task.

11. It is also important to look at changing trends and the new contexts they provide for the protection of civilians in armed conflict. Since the previous report, some of the world's most protracted and violent conflicts are reaching resolution or coming to an end. Angola is now on the road to peace after three decades of civil war that left thousands dead and millions displaced. In Sierra Leone, where the most egregious acts of violence were committed against civilians, there are clear signs of an end to armed conflict. Afghanistan is yet another remarkable example of a seemingly intractable conflict coming to an end. All three cases, however, confirmed the critical nature of the protection of civilian populations, including their right to humanitarian access, even in conflicts approaching resolution and through the

transitional phase when peace is consolidated. An important aspect of the implementation of the protection of civilians is the observation, monitoring and verification of human rights throughout. This requires close cooperation between the Department of Political Affairs, the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and relevant United Nations protection-mandated agencies to ensure that negotiated peace agreements are comprehensive, with humanitarian and human rights principles and priorities well integrated into the political framework.

12. As is now well known, civilians, rather than combatants, are the main casualties of conflicts today, with women and children constituting an unprecedented number of the victims. More than 2.5 million people have died directly as the result of conflict in the last decade, and over 10 times this number (31 million people) have been displaced and uprooted by conflict. This represents human suffering on an immense scale. With the upsurge of global terrorism, a new kind of threat to civilians has emerged, one that may significantly increase the scale of suffering in the future and severely impact on the efforts of the international community to protect civilians, particularly the need to separate civilians from combatants. This new challenge is examined in depth in the conclusion of the present report.

13. Since the previous report, an increasing number of States, United Nations organizations and regional and non-governmental organizations are making use of the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex) to strengthen legal frameworks on the protection of internally displaced persons. Angola and Uganda have incorporated, or are in the process of incorporating, aspects of the Guiding Principles into legal and regulatory frameworks for resettlement and return. In the Sudan, both the Government and the Sudan People's Liberation Movement Army (SPLMA) participated in separate workshops held by the inter-agency internally displaced persons unit housed in the Office for the Coordination of Humanitarian Affairs to contribute to the formation of policy frameworks. In Belgrade, officials at the federal (Federal Republic of Yugoslavia) and republic (Serbia) levels have expressed an interest in developing a legal framework for response. In Afghanistan, the Guiding Principles have been used as a reference for the drafting — still under way — of a decree for the safe return of internally displaced persons. Moreover, agencies are using them as the basis for discussion with local authorities and for dissemination as well as guidance in projects and programmes implementation. In Indonesia, the authorities have begun a process of public education using the Guiding Principles to promote actively their better understanding.

14. The adoption of agreed standards for the humane treatment of internally displaced persons must, of course, be followed by careful implementation when internally displaced persons are able to return to their homes. In Angola and Burundi, for example, efforts are under way to ensure the necessary preconditions for safe and sustainable return, thereby integrating the protection needs of returning internally displaced persons and refugees.

15. In the emerging context of the transition from conflict, practical actions to ensure the protection of civilians will be required in three key areas, both as setting the stage for an effective transition to peace and remaining essential throughout the process: secure humanitarian access, the clear separation of civilians and

combatants, and the swift re-establishment of the rule of law, justice and reconciliation during transition. The present report examines several new challenges — sexual exploitation, commercial exploitation and terrorism — and their impact on the protection of civilians.

16. The present report does not address in detail the issues relating to women and children in armed conflict, as those issues are dealt with in the report on women, peace and security (S/2002/1154) and the report on children and armed conflict (S/2002/1299).

## Access to vulnerable populations

17. Carefully negotiated humanitarian access does much to improve the protection of civilian populations in the short term and to improve prospects for a successful transition to reconciliation. The presence of humanitarian actors reinforces the idea of neutrality — a concept fundamental to the protection of civilians. Unimpeded access for humanitarian agencies to all populations in need, regardless of group or status, also removes a basis for grievance and does much to confirm that issues of difference, disagreement or grievance can be resolved. Access is also likely to remind populations affected by conflict of the longer-term benefits that can be gained from peace. By de-escalating the conflict, lowering its intensity and foreshadowing the benefits of peace, access both affords civilians immediate short-term protection benefits and sets the stage for an effective and sustainable transition to peace.

18. The positive impact of unimpeded humanitarian access on the transition to peace was demonstrated most recently in the Sudan during October 2002 where unimpeded access was a cornerstone for a memorandum of understanding between the Sudanese authorities and SPLMA, the first in 19 years, marking the cessation of hostilities. A subsequent technical agreement for implementation signed two weeks later extended the cessation of hostilities and the removal of access restrictions until the end of 2002, with the possibility of a further extension.

19. In most conflict situations, however, securing humanitarian access continues to be a challenge. In many conflicts, protection and assistance for millions of vulnerable civilians continues to be manipulated, delayed and even denied, with devastating consequences. A number of obstacles undermine efforts to secure access, including the physical insecurity of aid workers, denial of access by authorities and a lack of structured engagement with non-State actors.

20. The impact of insecurity and the consequent lack of access for humanitarian agencies is clearly evident in the Democratic Republic of the Congo, where limited humanitarian access resulted in massive loss of life, with reports of over 2 million deaths, of which an estimated 350,000 were the direct result of violence. In the Ituri region of the eastern part of the Democratic Republic of the Congo, six ICRC staff members were brutally killed in April 2001, leading to the reduction and withdrawal of humanitarian staff. There is now grave concern over the situation in Ituri, where there is the potential for a return to the widespread ethnic killings of early 2001. In Liberia, where the humanitarian situation has deteriorated considerably as the result of continued fighting, only 120,000 people are receiving humanitarian assistance and a much larger group of vulnerable and displaced persons remain inaccessible. In Afghanistan, security remains a major concern. Some areas are still characterized by

sporadic factional fighting, causing interruption in access and hence assistance and monitoring programmes.

21. Despite institutional efforts by the United Nations to strengthen staff training and capacity to meet security needs, humanitarian workers as well as civilians continue to be targeted as a way of denying humanitarian access. In addition to countless civilian deaths, four United Nations staff members have been killed and two abducted in 2002. International organizations such as ICRC have also suffered fatalities and abductions. Other humanitarian workers have been attacked in Burundi, the Sudan, Chechnya and the Occupied Palestinian Territories.

22. Such acts do not simply destroy individual lives. They are an attack on the emblem of the United Nations and ICRC and other humanitarian organizations, an attempt to drive them out and to deny their role as protectors of civilians in conflict. When committed in the context of armed conflict, such acts should be recognized as war crimes and dealt with accordingly by the relevant national judicial authorities or the International Criminal Court.

23. Humanitarian access is sometimes restricted because the access itself is perceived as a potential threat to other populations. The grave humanitarian situation in the Occupied Palestinian Territories is an example. The humanitarian crisis is inextricably linked to measures adopted by Israel in response to suicide bombings and other attacks against Israeli military and civilian targets. Access remains entirely at the discretion of the Israeli Defence Forces and is often denied to the United Nations and other humanitarian personnel.

24. Ms. Catherine Bertini, the Secretary-General's Personal Humanitarian Envoy to the Occupied Territories, reported in August on the mounting humanitarian crisis, describing it as a crisis of access and mobility. She highlighted the impact on civilian populations of loss of access to basic needs and services, including medical treatment and education, because of curfews and closures, while other services, such as food supplies and water, are blocked from reaching communities.

25. A further constraint on securing humanitarian access is a lack of structured contact with non-State actors. There are two levels to the problem. First, States may be unwilling or unable to engage non-State actors in dialogue, either on the peace process or on their obligations to civilian populations under the Geneva Conventions. Consequently, very few non-State actors recognize their responsibilities regarding humanitarian access as a component of international humanitarian law, and this leads to access being restricted, unpredictable or denied altogether. This lack of awareness and observance is exacerbated by the plethora of warring parties in many civil conflicts — ranging from de facto authorities and warlords, to military entities active in combat, to formal political entities — which may eventually become a party to the peace accord.

26. Second, it is critically important that humanitarian actors are able freely to make contact with non-State actors to negotiate fundamental issues like humanitarian access, regardless of the relationships between the State and the rebel groups. In conflicts with no clearly delineated front line, however, such contact is often made under pressure by a number of humanitarian bodies, including United Nations agencies, ICRC and non-governmental organizations. The risks of fragmented, piecemeal or parallel negotiations on humanitarian access are high.

Rebel groups may play one organization against another, thus increasing the risks to security and further endangering access.

27. In order to be effective, negotiations should be conducted in a structured, coordinated manner based on agreed standards and mechanisms. Comprehensive framework agreements provide a stronger and more transparent basis for humanitarian access. The aide-memoire can be a useful guide to the issues that need to be addressed. United Nations agencies are also preparing a manual on terms of engagement with armed groups, to better assist coordination and to facilitate more effective negotiations.

28. If skilfully crafted in a principled manner, negotiations for unimpeded humanitarian access may also become the basis for a future transition to peace and recovery, in no small measure by simply being one of the few, if not the only, forums where the parties to the conflict are talking to one another. National immunization days and "days of tranquillity", to provide targeted services, particularly for children, have proved to be a good starting point in several conflicts, including Liberia and Sierra Leone. Two models of effective comprehensive frameworks include Operation Lifeline Sudan (OLS) and the Somalia Aid Coordination Body (SACB). OLS provides an operational framework for United Nations agencies and non-governmental organizations in the Sudan to secure access to civilians regardless of their location, and serves as a bridge to securing commitment to the principles underlying the protection of civilians in the current peace talks at Machakos, Kenya. SACB integrates the efforts of the United Nations system with a consortium of international non-governmental organizations. It has served in the same sustained manner as a vehicle for providing essential assistance during an ongoing and devastating conflict. Although civilians in both the Sudan and Somalia have continued to be attacked, these frameworks provide a platform for continuing negotiations on humanitarian access.

29. As a creative means of securing humanitarian access — a fundamental basis for protection during a crisis and a foundation for the transition to peace — States are urged to support greater use of inclusive framework mechanisms, particularly in circumstances where there are no peace operations or other agreements that provide a basis for access. In many cases this can only happen with significant bilateral pressure on the warring parties. In this, the support and influence of the Security Council and Member States is vital.

30. To summarize, the following practical measures can improve access to civilians in armed conflicts and can support the development and consolidation of transitional processes:

- All parties to a conflict, including non-State actors, must understand their obligations and responsibilities to civilians;
- There should be clearly defined conditions for humanitarian access in any terms of engagement;
- Contact should be undertaken on a coordinated basis by humanitarian and United Nations agencies based on agreed conditions;
- The aide-memoire should be used as a tool for structuring and guiding response to access negotiations;

- Contact between warring parties on humanitarian access issues should be structured. Framework agreements are the best option when no peacekeeping mission is present;
- Governments should not subordinate the basic rights of civilians in response to perceived security threats.

## Separation of civilians and armed elements

31. Conflict often leads to mixed movements of populations, comprising not only refugees, internally displaced persons and other civilians, but also armed elements seeking sanctuary in neighbouring countries. The continued presence of combatants undermines the transition towards peace. Moreover, the presence of armed elements in refugee camps and internally displaced person settlements has very specific and serious humanitarian consequences. Women and children are particularly vulnerable to serious human rights violations, such as trafficking, forced recruitment, rape and other forms of physical and sexual abuse.

32. Over the past year, there have been successful relocation exercises separating civilians and combatants. In the northern part of the Democratic Republic of the Congo, the authorities, working collaboratively with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), successfully separated armed elements from a civilian community which had given shelter to 26,000 refugees from the Central African Republic and relocated them. In Sierra Leone, the authorities, assisted by UNHCR, were able to persuade refugees to move away from the borders, and, in a more secure environment, were able to screen and separate combatants from refugees and establish a separate regime for the internment of combatants.

33. There are two distinct issues of concern: one relates to the intermingling of combatants and civilians in a range of situations and the other concerns, specifically, the movement of combatants into refugee and internally displaced person camps and settlements.

34. When combatants are intermingled with civilians, Governments sometimes resort to extraordinary measures to address the problem, some of which may seem disproportionate or to be punitive to the civilian population. Examples of such responses, which have themselves resulted in further threats to civilian security and rights to protection, include regroupement camps, forced relocation, protected villages and, in the Middle East, punitive measures directed at civilians. Such actions violate international humanitarian and human rights law and should be condemned.

35. Where refugees are involved, experience has demonstrated that it is essential to separate civilians from armed elements in refugee camps and elsewhere immediately. The longer the camps remain militarized, the more difficult the problem will be to redress. This situation also creates major difficulties in the post-conflict transition, impeding refugee returns and reintegration. The establishment of refugee camps at a reasonable distance from the border is essential to preserving the civilian and humanitarian character of these camps.

36. Removing refugee camps from border areas is often complex and difficult to achieve. Sometimes Governments, fearing instability, prefer to contain the problem at the border. The authorities may also wish to leave refugees at the border for strategic political or military reasons. Refugees themselves may be reluctant to leave the border area, wishing to return home periodically or to be in a position to take flight again if necessary. This problem challenges the hospitality of host communities and receiving States, which find that conflict not only draws in local populations, but inevitably spills over, beyond the local host communities, affecting security in border areas. Civilian populations on both sides of a border can be coerced into courier activities and children are at risk of being militarized. When these mass movements also include armed elements, regional security is at stake and conflicts risk becoming internationalized. The Democratic Republic of the Congo, Zambia and West Africa are clear examples of this danger. It is in this difficult and fluid context that the international community must pursue its goal of maintaining the humanitarian and civilian nature of camps for refugees and internally displaced persons.

37. Agenda for Protection,[1] recently released by UNHCR, contains an array of measures designed to preserve the humanitarian character of asylum. A concrete outcome of the Agenda is the conclusion on the civilian and humanitarian character of asylum,[2] recently adopted by the Executive Committee of UNHCR, which sets out important understandings for Member States to ensure the physical safety of refugees, particularly in refugee camps. The conclusion emphasizes the primary responsibility of host States to ensure the civilian and humanitarian character of asylum, calls for the disarmament of armed elements and covers the identification, separation and internment of combatants.

38. UNHCR, working with Member States, other United Nations agencies and ICRC, will develop specific measures for the disarmament of armed elements and for the identification, separation and internment of combatants. These measures will serve to clarify standards and procedures agreed by all responsible parties. States will be asked specifically to support the deployment of security officers into insecure refugee situations. In this context, the United Nations will deploy, with the consent of host States, multidisciplinary assessment teams to areas of emerging crisis to assess the situation on the ground, evaluate threats to refugee populations and make practical recommendations.

39. Some States argue that a major constraint in their efforts physically to separate armed elements from civilians is a lack of resources and capacity. If this task is beyond the capacities of local authorities, their genuine concerns must be recognized and wherever possible addressed. Assistance from international civilian police and military forces is vital, particularly in disarming and demobilizing militias and in transferring them elsewhere. One practical solution would be to establish a roster of experts who could be seconded by their Governments for a limited period of time in order to assess the situation, design the strategy, assist the local authorities and, if feasible, pilot the exercise together with local authorities. Member States with such capacity are urged to provide the necessary practical support. It must be understood, however, that it remains the responsibility of States to grant asylum to victims of violence to ensure that they receive protection, relief and assistance.

40. To summarize, in order to facilitate the effective separation of civilians from armed elements, the following practical actions or requirements are needed:

(a) Commitment by Governments to remove refugee camps and internally displaced person settlements from border areas and to the separation and internment of combatants;

(b) Rapid deployment of United Nations multidisciplinary assessment teams to assist and support the separation of combatants and civilians;

(c) Provision of support to States hosting refugees in order to strengthen the capacity of law enforcement authorities through an appropriate security package, notably to strengthen police units in insecure refugee situations;

(d) Promotion of the use of the aide-memoire and the Agenda for Protection by Governments in situations where combatants and civilians are intermingled, as a means of ensuring that their responses to perceived security threats meet international legal standards.

## Rule of law, justice and reconciliation

41. Restoration of the rule of law is fundamental to a country's capacity to emerge from a period of conflict into a sustainable peace, based on the assured protection of civilians and the return of order. The institutions for security, law and order and justice are frequently the first to weaken or collapse in contemporary civil conflicts, thus creating a vacuum for human rights protection. This vacuum is sometimes filled on an interim basis by multidimensional peacekeeping operations — such as those deployed in Kosovo and Timor-Leste — where international civilian police are deployed to deal with law enforcement and international military forces provide an environment of security.

42. There can be no long-term solution to security problems on this scale unless and until a well-trained, well-equipped and regularly paid national army and national police, within the context of a fully functioning criminal justice system, are in place. Recent efforts to achieve this have been crucial, as in Timor-Leste, where the relatively speedy and internationally supported transformation of the Armed Forces of National Liberation of East Timor (FALINTIL) into the core of a national defence force was critical in the smooth transition to independence.

43. The international community is now striving to achieve this transition in Afghanistan, where the most serious challenge to the fragile peace remains a lack of security in much of the country. In the absence of a stable security environment, the human rights situation in Afghanistan remains worrying in many respects, principally owing to the weakness of the central government, warlordism, factional conflicts and a very rudimentary and dysfunctional justice system. The situation of women continues to be a matter of concern in many parts of the country. It is vital that donors support, with the necessary resources, the efforts of the Government and people of Afghanistan to ensure security in their country.

44. For a secure environment to be sustained and the rule of law to take hold in any transitional situation, one of the first priorities must be a comprehensive disarmament, demobilization and reintegration programme. In Sierra Leone, an official disarmament, demobilization and reintegration programme was a central tenet of the Lomé Peace Accord. This accord was also the first such agreement to recognize the special needs of children in the disarmament, demobilization and reintegration process, with almost 7,000 child soldiers successfully demobilized and

disarmed. This process, completed in January 2002, and the ongoing reintegration efforts are essential components of the improved security conditions so vital for a lasting peace.

45. The United Nations Development Programme (UNDP) has been promoting national ownership of the disarmament, demobilization and reintegration processes, supporting national capacity to reabsorb combatants and providing technical advice on policy frameworks in such countries as Afghanistan, Sierra Leone, Angola, the Democratic Republic of the Congo and Somalia. Similarly, the United Nations Children's Fund (UNICEF) and its partners have been engaged in the prevention of recruitment, demobilization and social reintegration of child soldiers in these and other countries. The key to successful reintegration and prevention of re-recruitment of child soldiers is long-term investment in education, vocational training and family and community support programmes, taking into account the special needs of girls.

46. The entry into force on 1 July 2002 of the Rome Statute of the International Criminal Court (A/CONF.183/9) marks an important deterrence against war crimes, crimes against humanity and genocide. The culture of impunity is being challenged. Over the past few years, the United Nations has placed considerable emphasis on issues of transitional justice in the former Yugoslavia, Rwanda, Sierra Leone and Timor-Leste. In these situations, re-establishing the rule of law and reactivating basic criminal justice systems has been critical to holding together fragile peace agreements and protecting civilians during the transition to peace. It has led to the establishment of ad hoc international tribunals in the case of Rwanda and the former Yugoslavia and, most recently, the creation of a Special Court for Sierra Leone. At the recommendation of the Department of Peacekeeping Operations, the Executive Committee on Peace and Security established in April 2002 an interdepartmental/agency task force for the development of comprehensive rule of law strategies for peace operations, and fully endorsed its final report and recommendations at the end of September.

47. The issue of accountability for past atrocities and human rights abuses — who should be held accountable and how — has been increasingly recognized by the international community as fundamental from the beginning. An inability to address these issues of justice in Kosovo led to widespread retribution by former victims, including new killings and a renewed cycle of refugee outflows, which even the over 40,000 North Atlantic Treaty Organization (NATO)-led troops were unable to prevent. Justice systems need to address past abuses quickly if the rebuilding process after violent upheaval is to have a solid basis. While it is argued, however, that amnesties for members of armed forces are needed for a cessation in hostilities to take effect, they remain unacceptable to and unrecognized by the United Nations unless they exclude genocide, crimes against humanity and war crimes from their provisions.

48. The rebuilding of essential rule of law institutions should have the most immediate priority in situations of transition from conflict to peace if the protection of civilians is to be ensured. This is not a role that can be performed by military forces alone. It requires civilian justice experts backed by civilian police. In the absence of adequate local capacity, rapid deployment of international civilian law enforcement and criminal justice experts is vital. UNDP is building capacity and supporting reforms to justice and security institutions, for example in Afghanistan,

Kosovo, El Salvador, Rwanda, Guatemala and Haiti. In areas where the United Nations has the mandate to provide an interim administration, such as Kosovo and Timor-Leste, it has been able to provide such international support to the local judiciary and other structures of government. In Afghanistan, for instance, OHCHR has been supporting the United Nations Assistance Mission in Afghanistan (UNAMA) in building the capacity of the independent Afghan national human rights commission, which focuses on monitoring and investigation, human rights education, women's rights and transitional justice.

49. It is important to draw a distinction between punitive and restorative justice. The work of the various international tribunals, as well as national courts, falls into the former category. Restorative justice, which can be seen as including the return of refugees and displaced persons to their former places of residence in safety and dignity, coupled with the full restoration of national protection, is equally important to the transition to peace and recovery. The right to return, applicable to all citizens and former habitual residents, as well as the restitution of property, housing and land, are of key importance. Indeed, the resolution of property and housing issues before and subsequent to return is often vital to political stability, economic security, the protection of human rights and the establishment and strengthening of the rule of law.

50. The demand for justice and accountability must be balanced with the political pressures to move forward, away from the conflict, based on new alliances and agreements. Reconciliation between former combatants, whether internal or external, can be as important as justice for longer-term stability. This has been the experience of Timor-Leste.

51. There are, however, no reconciliation templates. Each situation has unique requirements. Timing is also critical. Kosovars found it impossible to discuss reconciliation in the period following the departure of the Serbs, and in Timor-Leste its leaders spoke of reconciliation soon after Indonesia's withdrawal. In Timor-Leste there was also a significant effort made to strike an appropriate balance between prosecuting some perpetrators of serious abuse while reintegrating lesser offenders. The Commission for Reception, Truth and Reconciliation is a complementary measure, with the objective of truth-telling and community based reconciliation, possibly with compensation, by lesser offenders. With assistance from OHCHR, Sierra Leone has also established a similar structure with its Special Court and the Truth and Reconciliation Commission. These complementary mechanisms serve a valuable function, by beginning the process of reviewing the past truthfully, thus combining the imperatives of justice and reconciliation. Moreover, by recognizing and involving women and children in their work, these particular bodies have been able to put in place special procedures, thereby facilitating the successful reintegration of women and children. Justice and truth-seeking mechanisms also offer opportunities to combine internationally-mandated prosecution processes with more traditional mechanisms of confession, reparation and acceptance by the community. At the same time, further comparative analysis of such functions by the international community is needed.

52. Justice and reconciliation must work together to address the underlying causes of conflict and to prevent possibly violent retribution. Local actors should be involved from the outset in the process of reconciliation and in reforming and restoring the justice system. Reconciliation efforts may begin even in the midst of

conflict and need to be undertaken in a culturally sensitive way. Education in conflict and post-conflict situations can provide a window of opportunity for building tolerance and social justice in communities.

53. To summarize, the practical recommendations that address the needs of rule of law, justice and reconciliation and thereby provide better protection for civilians in conflict, it is necessary:

(a) To provide the resources for and to reform national institutions for security, law and order and justice for better enforcement of the rule of law and human rights standards as soon as possible when conflict ends;

(b) To ensure that the necessary disarmament, demobilization and reintegration of combatants is conducted as early as possible with full recognition of the elements required for reconciliation at the community level;

(c) To ensure that laws and regulations inconsistent with international legal standards, in particular the right to return, restitution of property rights and the right to adequate housing, are repealed and that effective and impartial mechanisms are put in place to allow for the return and restoration of property;

(d) To ensure that reliable, sufficient and sustained funding is provided to existing international tribunals and the International Criminal Court, as well as other initiatives to bring to justice perpetrators of grave violations of international humanitarian and human rights law.

## Observations

54. In the 18 months since the previous report to the Security Council, three global issues have emerged that will seriously challenge the capacity of Member States to protect civilians. The first relates to an increased focus on gender-based violence in humanitarian crisis and conflict situations, a grave and continuing problem that has been heightened by reports of sexual exploitation and abuse and trafficking of women and girls perpetrated by humanitarian workers and peacekeepers.

55. Acknowledging that this serious problem went beyond the United Nations system, it was agreed that the Inter-Agency Standing Committee — representing not only United Nations agencies but also the Red Cross movement and non-governmental organizations — was the appropriate forum to address the problem on a global basis. The Standing Committee immediately set up a Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises, co-chaired by the Office for the Coordination of Humanitarian Affairs and UNICEF. The Task Force was explicitly charged with assessing weaknesses or gaps in existing procedures and standards of behaviour, and proposing specific measures for their remedy. In carrying out its assessment, the Task Force consulted widely with humanitarian partners, Member States and other interested stakeholders, including the Department of Peacekeeping Operations.

56. The causes of abuse, including trafficking and gender-based violence, stem from the unequal power relationships that are endemic in situations of mass displacement, conflict or civil strife. The United Nations, together with a range of partners in the humanitarian community, is implementing a number of preventive and remedial measures aimed at strengthening and enhancing the protection and care

of vulnerable persons in situations of humanitarian crisis and conflict. These include the adoption of core principles that represent the minimum standards of conduct for all United Nations civilian personnel and the establishment of clear reporting procedures. The core principles are: (a) sexual exploitation constitutes gross misconduct and is grounds for dismissal; (b) sexual activity with persons under 18 years of age is prohibited; (c) the exchange of money, employment, goods or services for sex is prohibited; (d) sexual relationships between humanitarian workers and beneficiaries are strongly discouraged; (e) there is an obligation to report concerns about possible abuses by co-workers; and (f) an environment that prevents sexual exploitation must be created, and managers have particular responsibilities to support and develop systems, which maintain this environment.

57. In addition, the United Nations is working to ensure that the design of peacekeeping and relief operations incorporates protection measures for groups vulnerable to abuse and exploitation. It is unfortunately the case, however, that other parties associated with the United Nations, including civilian police and military forces working under United Nations auspices and humanitarian non-governmental organizations, also perpetrate such violations. As the Secretary-General stated recently: "Men, women and children displaced by conflict or other disasters are among the most vulnerable people on earth. They look to the United Nations and its humanitarian partners for shelter and protection. Anyone employed by or affiliated with the United Nations who breaks that sacred trust must be held accountable and, when the circumstances so warrant, prosecuted" (A/57/465, para. 3). To this end, there are a number of measures which if taken by Member States would further strengthen the culture of protection in humanitarian crises:

(a) Respect for the "Ten Rules: Code of Personal Conduct for Blue Helmets" by all uniformed personnel contributed for service with the United Nations;

(b) The Security Council should consider the inclusion of a standard paragraph in relevant resolutions that require the reporting of follow-up actions and prosecutions undertaken in response to allegations of sexual abuse and exploitation;

(c) Member States should be encouraged to use the core principles in their standards and codes of conduct for national armed forces and police forces, thereby ensuring due attention is placed on protection from sexual abuse and exploitation;

(d) Donor countries should insist that all their implementing partners include the core principles in their codes of conduct prior to release of donor funding.

58. The second issue that has increasing impact on the protection of civilians relates to the commercial exploitation of conflict. The illicit and illegal exploitation of natural resources is a growing problem that serves to fuel conflict and increasingly involves and harms the security of the civilian population. This has been a hallmark of the conflict in the Democratic Republic of the Congo, but is common to many conflict situations. Individuals and companies take advantage of, maintain and have even initiated armed conflicts in order to plunder destabilized countries to enrich themselves, with devastating consequences for civilian populations.

59. The two recent reports, by the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2002/1146, annex) and the Panel of Experts on Liberia (S/2002/1115, annex) have dramatically documented this impact. The panellists called upon

Member States to mobilize sustained efforts to deter and combat such illegal activities. In parallel, coercive measures directed at companies and individuals involved in plundering of resources in conflict situations should be considered by the Security Council. These should include:

(a) Travel bans on identified individuals;

(b) The freezing of personal assets of individuals involved in illegal exploitation;

(c) The barring of selected companies and individuals from accessing banking facilities and other financial institutions and from receiving funding or establishing a partnership or other commercial relations with international financial institutions.

60. Often the parties involved in the illegal exploitation have no incentive to alter their behaviour. It is necessary, therefore, to identify measures to target their fears of losing revenue and, at the same time, encourage the legal use of resources. It is essential that the socio-economic aspects of a transition are adequately addressed and that there exist a fair system of distribution of wealth in a fractured society. Regional economic integration and legitimate and transparent commercial development need to be promoted and supported. Economic activities need to be stimulated, including the creation of employment opportunities, while supporting simultaneous political processes in which these initiatives will be embedded.

61. Finally, the rise of terrorism and the involvement of terrorist organizations in armed conflicts adds a new and difficult set of challenges to our work on the protection of civilians. Terrorism must be condemned without reservation and energies must be focused on effectively combating this grave threat to international peace and security. The responses of States to acts of terrorism must remain cognizant of the need to protect civilian life and property and be undertaken with full respect to international humanitarian and human rights law. Every effort to strengthen the international protection of civilians in armed conflict is a victory against terrorism which, by its very nature, seeks to undermine civilian status and weaken the legal and institutional frameworks through which civilian men, women and children are shielded from the violence of war.

62. To pursue security at the expense of human rights will ultimately be self-defeating. In places where human rights and democratic values are lacking, disaffected groups are more likely to opt for a path of violence, or to sympathize with those who do. Greater respect for human rights, along with democracy and social justice, will, in the long term, prove the only effective safeguard against terror. The targeting of civilians and the disproportionate use of force beyond legitimate military objectives are violations of international humanitarian law and must be strongly condemned.

63. Past statements to the Security Council have discussed terrorism and the role of the United Nations in the fight against terrorism. It is important to note in the context of the present report the special problems that arise when terrorist organizations become involved in armed conflicts. The efforts of the United Nations to ensure access to vulnerable populations and to structure appropriate contact with armed actors for this purpose will be vastly more complicated if those armed actors are engaged in terrorist activities or are seen as being so involved. Efforts to begin the processes of reconciliation and to strengthen transitions from war to peace will

be made immeasurably more difficult if terrorist attacks have killed or continue to kill indiscriminately and without warning. The United Nations will need to formulate clear guidelines for its future work on the protection of civilians in armed conflicts where terrorist organizations are active.

64. The present report has highlighted the changing environment for the protection of civilians. It has noted the development of transitional processes towards peace in a number of countries that were previously the scene of long-standing conflicts. The effective protection of civilians is a critical element in laying the foundations for the peace process. The durability of peace is dependent on a commitment to the protection of civilians from its very inception. In the current environment, the report outlines a number of practical measures in three key areas where implementation will have an immediate and positive effect on transitional peace processes. The first, and underlying all others, is the awareness and understanding of Member States of their obligations and responsibilities for the protection of civilians in conflict situations. Second is a commitment to structured and inclusive negotiations on issues of humanitarian access, to the separation of armed elements from civilians, particularly in refugee situations, and a determination to ensure the physical safety of humanitarian personnel and the civilians they are working to assist. Thirdly, there is a need to appreciate better the interdependence between humanitarian assistance, peace and development. Finally, collective will is required to address the profound challenges to civilian protection posed by the commercial exploitation of conflicts, the sexual exploitation of civilians in conflict and the global threat of terrorism.

65. The report concludes with a number of practical initiatives that will serve to heighten awareness of the need for the protection of civilians in the daily work of the United Nations. The regional workshops of the Office for the Coordination of Humanitarian Affairs will provide an opportunity for those Member States that are best placed to do so to identify threats to regional peace and security and ways in which to address them collectively, through existing regional bodies and mechanisms. The report encourages the adoption and use of the aide-memoire to develop frameworks and more structured approaches to the protection of civilians by United Nations country teams in areas of conflict. Since its adoption, the aide-memoire has provided a useful framework for analysis and action. Its further application is encouraged to provide a consistent basis for training of security and peacekeeping personnel in meeting the challenges and responsibilities they face in the protection of civilians in conflict. In addition, it is important to continue the process of review initiated by the Security Council with its workshop on 18 July 2002 on the Mano River region. Consideration should be given to further reviews of key mandates and resolutions where the protection of civilians remains an important concern. This requires further strengthening of joint cooperation between the Office for the Coordination of Humanitarian Affairs, the Department of Political Affairs, the Department of Peacekeeping Operations, OHCHR, UNDP and other relevant United Nations entities on the integration of the protection of civilians into planning frameworks for peace missions and peace processes.

*Notes*

[1] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 12 A* (A/57/12/Add.1), annex IV.

[2] Ibid., *Supplement No. 12 A* (A/57/12/Add.1), chap. III, sect. C.

## Annex

## Roadmap for the protection of civilians

| *Document symbol* | *Recommendation* | | *Theme* |
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| **Enhancing the architecture of protection** | | | |
| S/1999/957 | 1 | Urge Member States to ratify and implement the major instruments of international humanitarian law, human rights law and refugee law and to report to the Council on action taken | Extending the legal framework |
| S/1999/957 | 2 | Call upon Member States and non-State actors to adhere to international humanitarian, human rights and refugee law | Ensuring compliance |
| S/1999/957 | 6 | Urge Member States to adopt national legislation for the prosecution of individuals responsible for genocide, crimes against humanity and war crimes and to prosecute, on the basis of universal jurisdiction, persons under their authority or on their territory responsible for grave breaches of international humanitarian law and to report thereon to the Council | Extending the legal framework |
| S/2001/331 | 3 | Encourage Member States to introduce or strengthen legislation and arrangements providing for the investigation, prosecution and trial of those responsible for systematic and widespread violations of international criminal law, and support Member States in building credible judicial institutions equipped to provide fair proceedings | Establishing mechanisms to implement justice |
| S/1999/957 | 8 | Urge Member States to support the proposal to raise the minimum age for recruitment and participation in hostilities to 18, and to accelerate the drafting of an optional protocol to the Convention on the Rights of the Child on the situation of children in armed conflict | Extending the legal framework |
| S/1999/957 | 10 | Urge Member States to ratify and fully implement the 1994 Convention on the Safety of United Nations and Associated Personnel | Extending the legal framework |
| S/1999/957 | 11 | Invite the General Assembly to develop urgently a protocol to the 1994 Convention, which would extend the scope of legal protection to all United Nations and associated personnel | Extending the legal framework |
| S/2001/331 | 13 | Urge Member States to adopt and enforce measures to prevent private-sector actors from engaging in commercial activities with parties to armed conflict that might contribute to violations of international humanitarian and human rights law | Extending the legal framework |

| *Document symbol* | *Recommendation* | | *Theme* |
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| S/2001/331 | 12 | Continue investigating linkages between illicit trade in natural resources and the conduct of war and urge Member States and regional organizations to take appropriate measures against corporate actors, individuals and entities involved in illicit trafficking in natural resources and small arms | Ensuring compliance |
| S/1999/957 | 4 | Urge Member States to ratify the Rome Statute of the International Criminal Court | Establishing mechanisms to implement justice |
| S/1999/957 | 5 | Encourage the development of judicial and investigative mechanisms to be used when the prosecution of those responsible for genocide, crimes against humanity and war crimes appears unlikely due to the unwillingness or inability of the parties involved, pending the establishment of the International Criminal Court | Establishing mechanisms to implement justice |
| S/2001/331 | 11 | Develop a regular exchange between the Security Council and the General Assembly and other United Nations organs on issues pertaining to the protection of civilians in armed conflict | Increasing organizational capacities |
| S/2001/331 | 14 | Establish a more regular cooperation between the Security Council and regional organizations to ensure informed decision-making, the integration of additional resources and the use of their comparative advantages, including through the establishment of a regular regional reporting mechanism and briefings to the Security Council and high-level consultations to further develop cooperation on strengthening the protection of civilians in armed conflict | Increasing organizational capacities |
| S/1999/957 | 28 | Take steps to strengthen the Organization's capacity to plan and deploy rapidly, including by enhancing participation in the United Nations Stand-by Arrangements System and providing rapidly deployable units of military and police and the capacity to quickly deploy a mission headquarters | Increasing organizational capacities |
| S/1999/957 | 29 | Ensure that these units are trained in human rights and international humanitarian law, including child and gender-related provisions, civilian-military coordination and communications and negotiation skills | Increasing organizational capacities |
| S/1999/957 | 30 | Urge Member States to disseminate instructions on international humanitarian and human rights law among their personnel serving in United Nations peacekeeping operations and in authorized operations conducted under national or regional command and control | Training and preparedness |

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| S/1999/957 | 27 | Encourage Member States to give political and financial support to other States in order to facilitate compliance with the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and Their Destruction (the "Ottawa Convention") | Mitigating potential impact |
| S/1999/957 | 23 | Establish a permanent technical review mechanism of United Nations and regional sanctions regimes to ascertain the probable impact of sanctions on civilians | Mitigating potential impact |
| S/1999/957 | 24 | Further develop standards and rules to minimize the humanitarian impact of sanctions and ensure especially that sanctions are not imposed without provision for humanitarian exemptions | Mitigating potential impact |
| **Protection through conflict prevention** | | | |
| S/1999/957 | 14 | Establish Security Council working groups relating to specific volatile situations to improve the understanding of the causes and implications of conflict, as well as to provide a consistent forum in which to consider options to prevent the outbreak of violence | Preparedness |
| S/1999/957 | 15 | Make use of the human rights information and analysis emanating from independent treaty body experts, mechanisms of the Commission on Human Rights and other reliable resources as indicators for potential preventive action by the United Nations | Preparedness |
| S/1999/957 | 13 | Increase Security Council use of relevant provisions in the Charter of the United Nations, such as Articles 34 to 36, by investigating disputes at an early stage, inviting Member States to bring disputes to the Security Council's attention and recommending appropriate procedures for dealing with disputes; and strengthen the relevance of Article 99 by taking concrete action in response to threats against peace and security identified by the Secretariat | Prevention |
| S/1999/957 | 12 | Consider deployment in certain cases of a preventive peacekeeping operation or of another preventive monitoring presence | Prevention |
| **Protection during conflict** | | | |
| S/1999/957 | 18 | Underscore in Security Council resolutions the imperative for civilian populations to have unimpeded access to humanitarian assistance and for concerned parties, including non-State actors, to cooperate fully with the United Nations humanitarian coordinator in providing such access and in guaranteeing the security of humanitarian organizations with non-compliance resulting in targeted sanctions | Obligate parties to the conflict |

| *Document symbol* | *Recommendation* | | *Theme* |
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| S/2001/331 | 9 | Emphasize in Security Council resolutions the direct responsibility of armed groups under international humanitarian law | Obligate parties to the conflict |
| S/2001/331 | 10 | Urge Member States and donors to support efforts to disseminate to armed groups information on international humanitarian and human rights law and initiatives to enhance their practical understanding | Obligate parties to the conflict |
| S/1999/957 | 9 | Demand that non-State actors involved in conflict not use children below the age of 18 in hostilities, with non-compliance resulting in targeted sanctions | Obligate parties to the conflict |
| S/1999/957 | 20 | Ensure that the special protection and assistance requirements of children and women are fully addressed in all peacekeeping and peace-building operations | Mission mandate and design (as necessary) |
| S/1999/957 | 21 | Systematically require parties to conflicts to make special arrangements to meet the protection and assistance requirements of children and women | Obligate parties to the conflict |
| S/1999/957 | 7 | Encourage States to follow the legal guidance provided in the Guiding Principles on Internal Displacement, in cases of massive internal displacement | Obligate parties to the conflict |
| S/1999/957 | 19 | Urge neighbouring Member States to ensure access for humanitarian assistance and call upon them to bring to the attention of the Security Council any issues that might threaten the right of civilians to assistance, as a matter affecting peace and security | Obligate parties to the conflict |
| S/2001/331 | 5 | Conduct more frequent fact-finding missions to conflict areas, with a view to identifying the specific requirements for humanitarian assistance, in particular obtaining safe and meaningful access to vulnerable populations | Secure access to vulnerable populations |
| S/2001/331 | 4 | Actively engage the parties to each conflict in a dialogue aimed at sustaining safe access for humanitarian operations and demonstrate the Council's willingness to act where such access is denied | Secure access to vulnerable populations |
| S/2001/331 | 7 | Develop clear criteria and procedures for the identification and separation of armed elements in situations of massive population displacement | Secure access to vulnerable populations |
| S/1999/957 | 39 | Establish, as a measure of last resort, temporary security zones and safe corridors for the protection of civilians and the delivery of assistance in situations characterized by the threat of genocide, crimes against humanity and war crimes against the civilian population and ensure the demilitarization of these zones and the availability of a safe-exit option | Secure access to vulnerable populations |

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| S/1999/957 | 33 | Establish a peacekeeping presence early in the movement of refugees and displaced persons, where appropriate, in order to ensure that they are able to settle in camps free from the threat of harassment or infiltration by armed elements | Separate civilians and armed elements |
| S/1999/957 | 35 | Deploy international military observers to monitor the situation in camps for internally displaced persons and refugees when the presence of arms, combatants and armed elements is suspected and to take appropriate measures in response | Separate civilians and armed elements |
| S/1999/957 | 37 | Mobilize international support for the relocation of camps to a safe distance away from the border with refugees' countries of origin | Separate civilians and armed elements |
| S/1999/957 | 16 | Ensure that appropriate measures are adopted to control or close down hate media assets in situations of ongoing conflict | Control hate media |
| S/1999/957 | 26 | Impose arms embargoes in situations where civilians and protected persons are targeted by the parties to the conflict, or where the parties are known to commit systematic and widespread violations of international humanitarian and human rights law, including the recruitment of child soldiers; and urge Member States to enforce these embargoes in their own national jurisdictions | Sanctions |
| S/1999/957 | 22 | Make greater use of targeted sanctions to deter and contain those who commit egregious violations of international humanitarian and human rights law, as well as those parties to conflicts which continually defy the resolutions of the Security Council | Sanctions |
| S/1999/957 | 25 | Request regional organizations or groups of countries to submit complete information regarding humanitarian exemption mechanisms and clearance procedures prior to authorizing the imposition of regional sanctions; monitor the ability of regional sanctions authorities to implement the exemptions and clearance procedures and establish procedures for exercising Security Council authority to address inadequacies | Sanctions |
| S/2001/331 | 6 | Develop the concept of regional approaches to regional and subregional crises, in particular when formulating mandates | Mission mandate and design (as necessary) |
| S/1999/957 | 34 | Confirm that regional organizations have the capacity to carry out an operation according to international norms and standards before authorizing their deployment, and put in place mechanisms whereby the Council can effectively monitor such operations | Mission mandate and design (as necessary) |

| *Document symbol* | *Recommendation* | | *Theme* |
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| S/1999/957 | 17 | Ensure that United Nations missions aimed at peace-making, peacekeeping and peace-building include a mass media component that can disseminate information about international humanitarian law and human rights law, including peace education and children's protection, and about the activities of the United Nations, and encourage authorized regional missions to include such a capacity | Mission mandate and design (as necessary) |
| S/2001/331 | 8 | Make provision for the regular integration in mission mandates of media monitoring mechanisms to ensure the effective monitoring, reporting and documenting of hate media | Mission mandate and design (as necessary) |
| S/1999/957 | 38 | Ensure that peace agreements and the mandates of all United Nations peacekeeping missions include, where appropriate, specific measures for disarmament, demobilization and the destruction of unnecessary arms and ammunition, with particular attention given to demobilization and reintegration of child soldiers, and that early and adequate resources are made available | Mission mandate and design (as necessary) |
| S/2001/331 | 2 | Establish, during the crafting of peacekeeping mandates, arrangements addressing impunity and/or truth and reconciliation, in particular in situations of widespread and systematic violations of international humanitarian and human rights law | Mission mandate and design (as necessary) |
| S/1999/957 | 31 | Support a public "ombudsman" with all peacekeeping operations to deal with complaints from the general public about the behaviour of United Nations peacekeepers and establish an ad hoc fact-finding commission, as necessary, to examine reports on alleged breaches of international humanitarian and human rights law | Mission mandate and design (as necessary) |
| S/1999/957 | 32 | Request the deploying Member States to report to the United Nations Secretariat on measures taken to prosecute members of their armed forces who have violated international humanitarian and human rights law while in the service of the United Nations | Mission mandate and design (as necessary) |
| S/1999/957 | 40 | Consider the imposition of appropriate enforcement action in response to massive and ongoing abuses on the basis of certain fundamental considerations such as the scope of the violations of human rights and international humanitarian law and the exhaustion of peaceful or consent-based efforts to address the situation | Enforcement |
| S/2001/331 | 1 | Provide, from the outset, reliable, sufficient and sustained funding for international efforts to bring to justice perpetrators of grave violations of international humanitarian and human rights law | Justice and reconciliation |

| *Document symbol* | *Recommendation* | | *Theme* |
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| **Protection after conflict** | | | |
| S/1999/957 | 36 | Mobilize international support for national security forces, including logistical and operational assistance, technical advice and supervision where necessary | Justice and reconciliation |
| S/1999/957 | 3 | Consider using enforcement measures contained in Chapter VII of the Charter to induce, where necessary, compliance with orders and requests of the two existing ad hoc tribunals for the former Yugoslavia and Rwanda, respectively, for the arrest and surrender of accused persons | Justice and reconciliation |